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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,385	12/21/2001	Gabriel Garcia Montero	RSW920010210US1	1061
46320	7590	04/12/2007	EXAMINER	
CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP			MEUCCI, MICHAEL D	
STEVEN M. GREENBERG				
950 PENINSULA CORPORATE CIRCLE			ART UNIT	
SUITE 3020			PAPER NUMBER	
BOCA RATON, FL 33487			2142	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE		DELIVERY MODE	
3 MONTHS	04/12/2007		PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/026,385	MONTERO, GABRIEL GARCIA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael D. Meucci	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 October 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 December 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____.                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____.                         |

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### **DETAILED ACTION**

In view of the appeal brief filed on 25 October 2006, **PROSECUTION IS HEREBY REOPENED**. New grounds of rejection are set forth below.

To avoid abandonment of the application, Applicant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then Applicant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

Because new grounds of rejection are being made, this action is **non-final**.

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1. This application has been reassigned to examiner Michael Meucci.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim 9 recites the limitation "the machine" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 5, 8, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Horowitz et al. (U.S. 6,236,987 B1) hereinafter referred to as Horowitz.

- a. Regarding claim 1, Horowitz teaches: at least one message server (items 130 and 140 of Fig. 1); a plurality of topics stored in said at least one message server

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(lines 20-24 of column 7); a plurality of subtopics associated with at least one of said topics in said at least one message server (lines 20-24 of column 7); and, a dynamic topic partitioning system configured to partition said at least one of said topics into said subtopics (line 55 of column 6 through line 2 of column 7 and lines 27-33 of column 7), wherein messages are posted to and retrieved from individual ones of said plurality of topics (lines 51-54 of column 6).

b. Regarding claim 5, Horowitz teaches: a plurality of threads of execution, each said thread hosting a process for communicating a message between one of said subtopics in said at least one message server and a message subscriber (lines 20-33 of column 7).

c. Regarding claims 8 and 9, Horowitz teaches: intercepting message requests for a selected topic from subscribers in the message system (lines 20-33 of column 7); associating said message requests with a plurality of subtopics created for said selected topic (lines 20-33 of column 7); and, servicing said message requests with messages in said subtopics from within separate threads of execution for each subtopic-subscriber pair (lines 20-33 of column 7).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horowitz as applied to claim 1 above, in view of Najmi (U.S. 6,753,889 B1).

a. Regarding claim 2, Horowitz does not explicitly teach: wherein said message server is Java message service (JMS) compliant. However, Najmi discloses: "The B2B messenger is coupled to a Java Message Service API (referred to as JMS) that provides an interface between the B2B messenger and the various business components included in the J2EE based enterprise computer system. In the described embodiment, the B2B messenger subscribes to a Java Messenger Server (JMS) topic based upon an associated subscription rule," (lines 53-60 of column 3). It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to have the message server be JMS compliant. "By subscribes, it is meant that the B2B messenger "listens" to a particular JMS topic that is identified with a particular subscription rule. When the JMS topic points to a particular native message (referred to as a JMS message), a subscription manager included in the messenger receives the JMS message and directs a message adapter to modify the JMS message into a format consistent with a receiving partner based upon both the corresponding subscription rule and a corresponding document template, or B2B schema," (line 60 of column 3 through line 2 of column 4 in Najmi). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the message server be JMS compliant in the system as taught by Horowitz.

8. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horowitz as applied to claim 1 above, in view of Fujisawa (U.S. 6,947,949 B2).

a. Regarding claims 3 and 4, Horowitz does not explicitly teach: wherein said at least one message server resides in at least one process address space and wherein the at least one process address space is a Java virtual machine. However, Fujisawa discloses: "by providing the service manager 101 as the application management program for managing the operations of the plural Java applications (services) operating on the Java virtual machine 107, the HTTP server 102 as the web server operating on the service manager 101, and the control servlet 104 operated as the servlet as one form of the Java program operating on the HTTP server 102," (lines 6-14 of column 8). It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to have the at least one message server reside in at least one process address space, wherein the at least one process address space is a Java virtual machine. "[I]t is possible to easily add, operate or delete a program after the equipment is forwarded, without affecting execution of other Java applications executed in the equipment such as the incorporated equipment, by installing the service into the equipment from the remote web browser 100, starting the service or stopping the service," (lines 14-20 of column 8). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the at least one message server reside in at least one process address space, wherein the at least one process address space is a Java virtual machine in the system as taught by Horowitz.

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9. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Najmi, in view of Horowitz.

a. Regarding claim 6, Najmi teaches: a message interface through which message publishers can post messages to selected topics (lines 9-11 of column 10), and from which message subscribers can request messages which have been published to selected topics (line 53 of column 3 through line 2 of column 4); and, a request processor in which requests to post and retrieve messages to and from individual ones of said selected topics can be converted into message system requests to respectively post and retrieve messages to and from said associated subtopics in said subtopic store, said request processor processing each of said converted message system requests in individual threads of execution (line 53 of column 3 through line 2 of column 4). Najmi does not explicitly teach: a subtopic store configured to distribute messages of said selected topics within associated subtopics. However, Horowitz discloses: "An information retrieval system in accordance with the present invention includes a document collection having a plurality of documents, each document associated with at least one topic, and a knowledge base of topics that defines topic-subtopic relationships between various topics," (lines 20-24 of column 7). It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to have a subtopic store configured to distribute messages of said selected topics within associated subtopics. "A query analysis module receives a current query and processes the current query against a document collection to select set of documents

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from the document collection that satisfy the query. A dynamic content module determines automatically or in response to user selection generates supertopic, subtopic, perspective, and theme topic arrangements," (lines 27-33 of column 7 in Horowitz). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have a subtopic store configured to distribute messages of said selected topics within associated subtopics in the system as taught by Najmi.

b. Regarding claim 7, Najmi teaches: said message interface comports with the Java message service (JMS) specification (lines 53-60 of column 3).

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Carpenter et al. (U.S. 6,065,047) discloses providing subscriber with access to a content area customized for the combination of subscriber's response to topic prompt, subtopic prompt, and action prompt.

Kanevsky et al. (U.S. 6,104,989) discloses real-time detection of topical changes and topic identification.

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Segal et al. (U.S. 2003/0041072 A1) discloses constructing and optimizing a self-populating directory.

Cragun (U.S. 6,557,027 B1) discloses managing on-line discussion having multiple topics in a collaborative environment.

Aktas et al. (U.S. 6,584,181 B1) discloses organizing multimedia message folders and selectively retrieving information from them.

Carter et al. (U.S. 7,177,922 B1) discloses policy enforcement using the semantic characterization of traffic.

Yashchin et al. (U.S. 7,200,635 B2) discloses a smart messenger for synchronizing and exchanging messages.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a

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possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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SUPERVISORY PATENT EXAMINER